

**BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.**

In the Matter of)	
)	
Petition for Reconsideration)	CC Docket No. 94-102
And Clarification of the)	RM-8143
Cellular Telecommunications)	
Industry Association)	

**COMMENTS ON PROPOSED REVISIONS TO COMMISSIONS RULES TO ENSURE
COMPATIBILITY WITH ENHANCED 911 EMERGENCY CALLING SYSTEMS**

The following comments are filed in response to the Petition for Reconsideration and Clarification of the Cellular Telecommunications Industry Association filed February 17, 1998 by the Washington State Enhanced 911 Program.

The Washington State Enhanced 911 Program is statutorily charged with ensuring that the citizens of Washington State have full access to enhanced 911, statewide.

II. A. The Petitioner requests that "the Commission should exercise its authority to designate 9-1-1 as the compulsory, although non-exclusive, uniform dialing code to summon assistance nationwide in the event of an emergency."

In making that argument the Petitioner makes a valid argument that the Commission has authority to and should designate 9-1-1 as a number to be

made universally available for the purposes of subscribers being directly connected to the appropriate emergency service provider who can direct the necessary assistance. To accomplish this goal the Commission should clarify that the intent be not just the ability of a subscriber to dial 9-1-1 but also that all subscribers of all service providers, regardless of technology utilized or competitive classification, have equal access to 9-1-1 services.

Carriers should be precluded from translating 9-1-1 to 7-digit or 10-digit emergency numbers in lieu of providing direct connections to 911 networks where such networks exist. 9-1-1 is treated as a priority call and to continue the common practice of permitting CMRS owners to pass off calls where the subscriber has dialed 9-1-1 to the public switched network as a locally generated 7-digit or 10-digit emergency call is to deceive subscribers that they are receiving the benefit of the 9-1-1 system. The requirement that all 911 calls from CMRS carriers be forwarded should be amended to require integration to available 911 systems. For the protection of the consumer, when the CMRS has not integrated their system to an available 911 system they should be required to so notify their customers and be precluded from utilizing 911 availability in marketing materials.

The connection to the 911 network is particularly critical where the switching equipment of the CMRS serves an extensive geographic area and the 911 call is diverted to a Public Safety Answering Point near the switch rather than to a PSAP near the caller. The arrival of the call on a local emergency number also

precludes the PSAP from utilizing the call management and transfer features available in newer 9-1-1 systems. When a carrier offers 9-1-1 service to its subscribers they are establishing an expectation of performance that should be mandated as a minimum carrier obligation of connecting the call to the appropriate 9-1-1 network. 9-1-1 as the recognized emergency number should be backed up by a commitment to provide network support appropriate to the expectations of CMRS subscribers, most of whom when surveyed will note that safety is a primary driver in their decision to purchase the service.

Additionally the Commission in recognizing the importance of 9-1-1 to the consumer should take steps to require that the CMRS operators provide congestion, or flow, control within their networks to assure that calls from a single localized event do not inappropriately dominate the 9-1-1 network. 9-1-1 systems are typically designed to a P.01 or equivalent grade of service. This means that during a visible event in one area calls will not be precluded from reaching the PSAP from other service areas. Congestion Control is most frequently done on wireline networks at the end serving central office. In providing for CMRS limits at the cell level, or as close to the subscriber as is technically possible, the integrity of the 9-1-1 network will be protected and the potential liability to the CMRS carrier limited by not permitting their network to preclude 911 calls from other carriers from reaching the PSAP. The Commission should encourage a cooperative effort between the public safety providers and the carriers to develop traffic engineering methods that will take into account all

carrier types to assure that all subscribers receive an equal opportunity at having their call to 9-1-1 processed to the PSAP.

- III. The Petitioner requests that "The Commission should recognize that CMRS carriers require the same limitations on liability traditionally afforded by common law to communications common carriers, including wireline carriers." Carrier liability protection has been an accepted practice in the regulated telephone industry where service quality and a right of redress was assured through a regulatory mechanism. Any proposal to limit CMRS liability should recognize the competitive nature of the wireless industry by not providing for, or permitting the transfer of, liability to the PSAP.

CMRS carriers typically promote their systems as having public safety advantages frequently with emphasis on free calls to 9-1-1. Before any liability protection is provided the Commission should assure that the carriers have implemented technical and operational network features parallel to those utilized by wireline 911 providers that would limit carrier liability.

- IV. A. The petitioner requests that "The Commission should clarify that PSAPs may not limit CMRS carriers to recovering their E911 implementation costs solely from their CMRS customers." 9-1-1 and particularly Enhanced 9-1-1 networks have traditionally been funded solely with a tax or surcharge paid by the subscribers of the serviced carrier. This funding not only permits reimbursement to the carrier

of their direct costs associated with the service but also in many cases permits the public safety agency limited recovery of their costs associated with providing necessary facilities to answer 911 calls.

Direct cost recovery appears to provide the CMRS carrier with the greatest flexibility and most direct cost control while permitting them to not include the 911 costs within their direct operational expenses to be recovered through rates. For the carrier concerned with limiting costs to the subscriber this would appear to be the best of the cost recovery models since it virtually eliminates the potential of the public safety agency recovering costs associated with answering 911 calls from the carrier's subscribers. This option also appears to support the concept of a competitive telecommunications marketplace by giving the consumer one more cost item to evaluate when choosing a service supplier.

Carriers should consider options to utilizing the publicly funded PSAPs when discussing cost recovery mechanisms. Would they be better off utilizing operator services to answer and route 911 calls? The PSAP is providing a service to their subscribers. Only a small portion of the total operational costs of a PSAP are recovered from the 911 taxes. Most of the support comes from general taxes which pay for the personnel, facilities and equipment the PSAP utilizes in answering the call and dispatching assistance.

IV. B. The petitioner requests that: "The Commission should clarify that it is the CMRS Carriers' responsibility to select the means by which the caller's ANI and cell site location is transmitted to the appropriate PSAP consistent with the Phase 1 obligations." Accepting this suggestion when combined with the mandate to process all wireless 9-1-1 calls could endanger the viability of 9-1-1 system. It will permit the carrier to choose any technology for delivery of the call to the PSAP with the PSAP totally responsible for acquiring the necessary equipment to interpret the signal and answer the call. It leaves the door open to the carrier selecting a partner equipment vendor who could set prices at will knowing full well that the PSAP must acquire compatible equipment without the advantage of purchasing from a competitive market. It could require that a PSAP have separate equipment and even answering positions for each carrier, increasing costs many times.


Permitting the carrier to mandate the delivery methods of calls to the PSAP assuredly precludes a cooperative effort at integrating wireline and wireless 911 calls to maximize the functionality of the 911 network. As noted, it would "enhance market forces" by placing the carrier in the position of selecting whatever technology they felt was most profitable with the public safety agencies mandated to purchase it. It would delay implementation by throwing unknown elements into the cost models used to determine if PSAPs can afford to order ANI from any or all carriers.

If the carrier's objections are to the utilization of LEC based 911 systems, as this suggestion implies, they should so state. And if there are processes or costing elements associated with working with LECs that are driving them to make this proposal, the Commission should suggest that those issues be brought to the table for discussion rather than mandating a non-integrated solution as is proposed here.

A statutory requirement for wireless carriers to provide customer number identification has been in place in Washington since January 1, 1996. This requirement was implemented by the Legislature in recognition of compromise negotiations between wireless carriers and public safety agencies. The primary negotiation focus was the implementation of a local wireless excise tax to mitigate the impact the answering of wireless calls was having on PSAP operations. The tax rate was set at one-half the wireline rate with an agreement that the carriers would supply customer number identification to the 911 network at no charge. The implementation of that service, which is now being called "Washington ANI", has been slow and has been reported to be costing the wireless carriers far more than anticipated. The non-anticipated costs have been reported by the carriers to be centered around the FCC rules defining relationships between LECs and CMRS carriers. 9-1-1 service elements are sold by the LEC as subscriber features available to only 911 authorities. Connectivity to the 911 network typically does not require extensive facilities, particularly when the CMRS system provides congestion control, yet the only connections reported

to being made available to the CMRS carriers are high capacity inter-exchange carrier type services. Because of the experience in Washington it is suggested that when reviewing this petition; the Commission should request that the CMRS carriers detail the cost elements that have moved them from the initial commitment to not charge for Phase I to the requests in Part IV of this petition which imply that the amount necessary to be charged will exceed what could be reasonably charged their subscribers.

The Washington State E911 Program neither supports nor rejects portions of the Petition not mentioned above.



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